

REMARKS

Upon entry of the present Amendment-B the claims in the application are claims 1-12, of which claims 1, 3 and 5 are independent.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

The applicant respectfully assumes that, at the time of examination, the Examiner was unaware that a Preliminary Amendment A was filed concurrently with the application on August 22, 2003. The applicant has reached this conclusion based on the facts that claims 7 and 8, added to the application in the Preliminary Amendment A, have not been examined, and that claim 2 is rejected under 35 USC 112, second paragraph, due to an informality that was corrected in the Preliminary Amendment A. The applicant respectfully refers the Examiner to this document, and has prepared the present response accordingly.

In the Claims**Claim Rejections – 35 USC 112**

In items 1 and 2 of the Office Action, the Examiner has rejected claim 2 under 35 USC 112, second paragraph, as being indefinite because the recitation of “engaged with/disengaged” is considered to be unclear. The applicant respectfully refers the Examiner to the Preliminary Amendment A. The applicant believes that the amendment to claim 2 therein obviates this rejection, and requests that the rejection be withdrawn.

Claim Rejections – 35 USC 102

In items 3 and 4 of the Office Action, the Examiner has rejected claims 1-4 under 35 USC 102(e) as being anticipated by Aoki (US 6,786,104), which discloses a seat weight measuring apparatus. With respect to claims 1-3, the Examiner states that Aoki shows an attaching structure for a seat (103) of a vehicle including a weight sensor (115R, 115L), wherein the seatbelt apparatus includes a buckle (123), a seatbelt (120) having one end fixed to the vehicle to allow adjustment in length of the seatbelt, the other end attached to an anchor (125), a tang (124) engaged with the buckle (123), wherein the anchor and buckle are fixed at positions nearer to the seat than is the weight sensor.

Upon review of the Aoki reference, especially with respect to Figure 7, the applicant notes that Aoki discloses a seat weight measuring apparatus mounted between the seat and the vehicle such that the weight sensors 115 are located between the seat rails and the vehicle body. Aoki shows a seatbelt structure similar to that of the applicant, except that the anchor is fixed to the vehicle body at a location on the sidewall of the vehicle such that it resides at a level below the seat and above the weight sensor. Aoki discloses a buckle 123 which is fixed to the seat support plate 118. The Aoki disclosure is directed to measuring the weight of a seat occupant, and does not consider or address the main problem solved by the applicant's invention, which is to configure the seat belt attachment location so as to prevent seat belt tensioning forces from contributing to the measured weight of the seat occupant.

Regarding claim 1, even if Aoki may be broadly considered to disclose a seatbelt anchor fixed to a member which is positioned nearer to the seat than the weight sensor because the anchor 125 is at a level above the weight sensors 115R, 115L, and even if Aoki discloses a buckle 123

which is positioned nearer to the seat than the weight sensor, as recited in claim 2, applicant respectfully asserts that the structures disclosed by Aoki are clearly different than the attaching structures as now claimed, by the applicant.

The applicant has amended independent claim 1 herein to more clearly distinguish the applicant's invention from that recited in the applied art. Specifically, claim 1 has been amended to recite that the seatbelt-anchor is fixed to a seat supporting member, which is positioned between the weight sensor and the seat. This is clearly not shown or suggested by Aoki, whose anchor is fixed to the vehicle sidewall such that the weight sensor is positioned between the anchor and the seat. Thus, claim 1, as amended, is considered to be patentable over Aoki.

With respect to independent claim 3, the applicant respectfully disagrees with the Examiner's rejection of claim 3 since Aoki does not disclose an anchor which is adapted to be fixed to the other side of the seat as recited in this claim. Instead, Aoki discloses the anchor 125 which is fixed to the sidewall of the vehicle.

However, in order to promote prosecution of the application, the applicant has amended claim 3 herein in a manner similar to the amendment to claim 1. Specifically, claim 3 has been amended to further recite that the anchor and the buckle are adapted to be fixed to a seat support structure at positions between the seat and the weight sensor. Because this feature is not disclosed or suggested by Aoki as discussed above with respect to claim 1, claim 3, as amended, is also believed to be allowable over Aoki.

With respect to claim 4, the Examiner states that Aoki shows a weight sensor that includes a detector which measures a load to be applied to the seat, and an accommodator (118R) which stores the detector at an underside thereof, wherein the buckle is fixed to the accommodator.

Although the applicant agrees that the buckle is fixed to longitudinal plate 118R, which is interpreted by the Examiner to represent the accommodator, and further agrees that the weight sensor is located below the plate 118, the applicant respectfully disagrees with this rejection since plate 118R does not "store the detector at an underside thereof". Aoki shows the plate 118 mounted above, and sliding within, rail 117R. Aoki further shows sensors 115 disposed below rail 117R. To interpret plate 118R as storing the weight sensor is unreasonable because there is an intervening structure, rails 117R, between plate 118R and sensor 115, and because plate 118R is movable relative to rail 117R.

As regards claims 7 and 8, which are not addressed by the Examiner in this Office Action but were presented in the Preliminary Amendment A filed concurrently with the application, the applicant respectfully asserts that the features recited in these claims are not anticipated or suggested by Aoki. As regards claim 7, Aoki does not disclose the member to which the anchor is fixed as being part of the weight sensor, as recited in this claim. As regards claim 8, Aoki does not disclose the member to which the anchor is fixed as being the accommodator. Rather, Aoki discloses the anchor as fixed to the vehicle sidewall. In addition, the Examiner has interpreted the accommodator as the longitudinal plate 118R, and Aoki does not disclose the plate 118R as having the anchor attached thereto.

Allowable Subject Matter

Applicant gratefully acknowledges that, at item 5 of the Office Action, the Examiner has indicated that claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant has amended claim 5 herein to place it in

independent form and include the limitations of claims 3 and 4, while claim 6 remains dependent from claim 5. Claims 5 and 6 are therefore believed to be in condition for allowance.

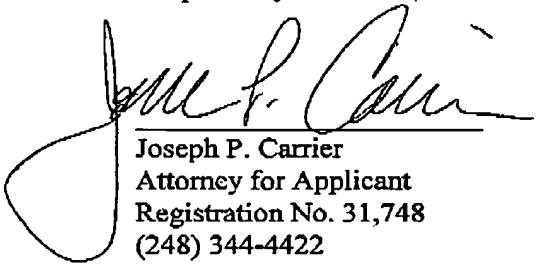
Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination. Applicant requests reconsideration and withdrawal of the rejections of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,


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